

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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RONALDO LIGONS, BRENT BUCHAN,  
LAWRENCE MAXCY, JOHN ROE, and  
JANE ROE, individually, and on behalf  
of those similarly situated,

Case No. 15-CV-2210 (PJS/BRT)

Plaintiffs,

v.

ORDER

MINNESOTA DEPARTMENT OF  
CORRECTIONS; THOMAS ROY, in his  
official capacity as Commissioner,  
Minnesota Department of Corrections;  
DAVID A. PAULSON, M.D., in his  
official capacity as Medical Director,  
Minnesota Department of Corrections;  
and NANETTE LARSON, in her official  
capacity as Health Services Director,  
Minnesota Department of Corrections,

Defendants.

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Andrew H. Mohring, Michael V. Ciresi, Katie Crosby Lehmann, and Esther O. Agbaje, CIRESI CONLIN LLP; Peter J. Nickitas; and Carl Peter Erlinder, for plaintiffs.

Kathryn A. Fodness, Andrew Tweeten, and Kelly S. Kemp, MINNESOTA ATTORNEY GENERAL'S OFFICE, for defendants.

Plaintiffs are inmates who are in the custody of defendant Minnesota Department of Corrections ("DOC") and who have chronic hepatitis C ("HCV") infections. They filed this action to challenge the protocol under which the DOC decides whether and how to treat inmates with chronic HCV.

The Court recently issued an order granting in part and denying in part defendants' motion for summary judgment and granting plaintiffs' motion for class certification. ECF No. 317. Because the order discusses plaintiffs' medical conditions, the Court filed it under seal and solicited input from the parties regarding redactions.

The Court has received the parties' proposed redactions and, for the most part, concludes that they are overbroad and that plaintiffs' privacy interests in the details of the treatment (or non-treatment) of their chronic HCV is outweighed by the public's common-law right of access to judicial records, particularly in light of the fact that this is a class action concerning a matter of public interest and plaintiffs' course of treatment is directly relevant to several of the Court's rulings. *See IDT Corp. v. eBay*, 709 F.3d 1220, 1222-24 (8th Cir. 2013) (recognizing the public's common-law right of access to judicial records in civil cases and articulating a balancing test for determining what may be sealed). The Court will, however, redact the following text:

Location	Portion to be Redacted
Page 7, line 1	Text between "and also" and "Maxcy Aff."
Page 7, line 6	Text between "that Maxcy" and "may make him eligible"
Page 32, line 6	Text between "because he" and "and therefore currently eligible"

The Court will delay implementation of this order until January 31, 2019, to allow the parties time to seek relief from the United States Court of Appeals for the Eighth Circuit.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT, on January 31, 2019, the Court will file ECF No. 317 with the redactions identified above.

Dated: January 24, 2019

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge